

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF PENNSYLVANIA**

<b>CHRISTOPHER O. MEGWA,</b>	:	
<b>Petitioner</b>	:	<b>CIVIL ACTION NO. 3:05-0336</b>
<b>v.</b>	:	<b>(MUNLEY, D.J.) (MANNION, M.J.)</b>
<b>BUREAU OF IMMIGRATION AND CUSTOMS ENFORCEMENT, ATTORNEY GENERAL, STATE OF NEW YORK,</b>	:	
<b>Respondents</b>	:	

**REPORT AND RECOMMENDATION**

Before the court is the petitioner's "Motion for Stay of Removal Pending Determination of Federal Habeas Corpus Petition Filed Under 28 U.S.C. §2254." (Doc. No. 1).

By way of background, while in the custody of the New York State Department of Correctional Services and confined at the Wyoming County Correctional Facility, Attica, New York, the petitioner filed a petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254. That petition, docketed to Civil No. 9:03-CV-1179, is currently pending in the United States District Court for the Northern District of New York. After that petition was filed, the petitioner was transferred to the Pike County Jail, Hawley, Pennsylvania, and ultimately, to the York County Prison, York, Pennsylvania, where he is currently confined.

On February 17, 2005, the petitioner filed with this court the instant

“Motion for Stay of Removal Pending Determination of Federal Habeas Corpus Petition Filed Under 28 U.S.C. § 2254.” (Doc. No. 1). This document was designated by the Clerk’s Office as a new habeas corpus petition filed pursuant to 28 U.S.C. §2241. However, upon review, it is apparent that the petitioner’s filing is not a separate habeas corpus petition, but a motion related to the petition which is currently pending in the Northern District of New York. Therefore, the petitioner’s motion for stay of removal should be transferred to the Northern District of New York for that court’s consideration in relation to Civil Action No.9:03-CV-1179, and the instant action should be closed.

On the basis of the foregoing,

**IT IS RECOMMENDED THAT:**

1. The petitioner’s motion for stay of removal (Doc. No. 1) be transferred to the United States District Court for the Northern District of New York for that court’s consideration in relation to Civil Action No. 9:03-CV-1179; and
2. The instant action be closed.

s/ Malachy E. Mannion  
MALACHY E. MANNION  
United State Magistrate Judge

Dated: March 17, 2005

O:\shared\REPORTS\2005 Reports\05-0336.wpd